

**BEFORE THE VILLAGE OF CHAGRIN FALLS COUNCIL      3667**  
**CHAGRIN FALLS, OHIO**

<b>IN RE: VARIANCE REQUEST OF</b>	)	<b><u>FINAL ORDER OF COUNCIL</u></b>
<b>CG II DEVELOPERS, LLC</b>	)	<b><u>AND CONCLUSIONS OF FACT</u></b>
<b>FOR PROPERTY LOCATED AT</b>	)	
<b>105 BELL ROAD</b>	)	<b><u>ADMINISTRATIVE ORDER NO.</u></b>
	)	<b><u>2012- 47</u></b>

This matter is before the Chagrin Falls Village Council pursuant to the request of CG II Developers, LLC ("the applicant"). The applicant owns the existing non-conforming residence at 105 Bell Road ("the subject property"). The applicant has requested variances from Sections 1125.03(h), 1125.03(e), 1125.04(b)(3) and 1145.02(b) of the Village of Chagrin Falls Codified Ordinances to permit the construction of a new driveway, an attached two-car garage, and an addition to the existing dwelling. The plan proposes a rear yard setback of twenty-four feet and four inches (24'-4"). Section 1125.03(h) requires a minimum rear yard setback of thirty feet (30'). The plan also proposes a lot coverage of the main building of twenty-eight percent (28%). Section 1125.03(e) restricts this coverage to twenty-four percent (24%). In addition, the proposed improved area of the driveway in the rear yard is thirty-five and one-half percent (35.5%) where Section 1125.04(b)(3) permits thirty percent (30%). Finally, because the subject property is nonconforming, the applicant requested a variance from Section 1145.02(b) which requires additions to nonconforming buildings to comply with current yard and coverage requirements.

The Village of Chagrin Falls Board of Zoning Appeals met on September 25, 2012, received evidence and testimony, and heard the arguments of the applicant. The Board of Zoning Appeals, on a vote of 5-0, recommended that Council grant the requested variances.

This Council considered the matter on October 8, 2012, upon the record created by the Board of Zoning Appeals. This Final Order of Council and Conclusions of Fact are predicated upon all of the evidence and testimony on the record before Council and, in consideration thereof, the following conclusions of fact are made:

- 1) The subject property is located on the north side of Bell Road and is a through lot abutting both Bell Road and Vincent Street.
  
- 2) The existing house is small and in need of modifications and updating to improve its functionality. The applicant seeks to build an addition and an attached two-car garage on the back of the existing dwelling and a new driveway off of Vincent Street which will result in the removal of the current point of access from Bell Road and the demolition of the

existing shed. The plans for the proposed project result in a rear yard setback of twenty-four feet and four inches (24'-4"); a lot coverage of twenty-eight percent (28%); and an improved driveway area in the rear yard of thirty-five and one-half percent (35.5%).

3) The existing dwelling was built with a non-conforming front yard setback and does not have a garage as required by the code. The Board of Zoning Appeals confirmed with staff that it would not be feasible to build a detached garage on the subject property without requiring numerous variances.

4) This Council finds, as recommended by the Board of Zoning Appeals, that the variances are not substantial. The rear yard setback variance is minimal given the fact that the existing shed is being removed and replaced with a new two-car attached garage, and the new garage will only encroach into the rear yard by about eighteen square feet. The lot coverage of twenty-eight percent (28%) is also insubstantial because it is only four (4) percent greater than permitted by the code. Similarly, the improved driveway area variance is also insubstantial because it is only five and one-half percent (5.5%) greater than permitted by code.

5) This Council finds, as recommended by the Board of Zoning Appeals, that the proposed garage, addition and driveway are a substantial improvement to the subject property and do not adversely affect the essential character of the neighborhood. The plan was favorably reviewed by Village's Historical Consultant Ted Sande. In addition, no neighbors have raised objections to the plan.

6) This Council also finds, as recommended by the Board of Zoning Appeals, that the proposed project will not adversely affect the delivery of governmental services.

7) This Council also finds and determines that the spirit and intent of the zoning code is observed, and substantial justice is done, by granting the variances. This conclusion is supported by the facts that the neighborhood will not be adversely changed by the proposed variances, no objections have been made to the proposed variances, and the subject property will be substantially improved by the proposed project.

8) Based on the foregoing, this Council finds that the applicants have demonstrated a practical difficulty in the use of their property, which is a result of the strict application of the zoning ordinance.


WHEREFORE, IT IS ORDERED that the variances to Codified Ordinance Sections 1125.03(h), 1125.03(e), 1125.04(b)(3) and 1145.02(b), requested by the applicants, the plans for which are on file with the Building Commissioner, be and are hereby granted. The applicants may construct the proposed project in accordance with the proposed plans. This document is deemed by Council to be the final order in this matter.

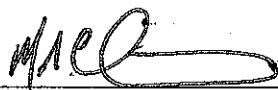
IT IS FURTHER ORDERED that the Clerk of Council shall mail a copy of this Final Order of Council and Conclusions of Fact to the applicants, and any other parties requesting same, by first class mail, and note the mailing date upon this order. The decision of this Council shall be deemed final upon the date the Clerk mails this document, as provided herein.

Adopted this 8<sup>th</sup> day of October, 2012, by a majority of the Village of Chagrin Falls Council, who have subscribed their names below.

Village of Chagrin Falls Council

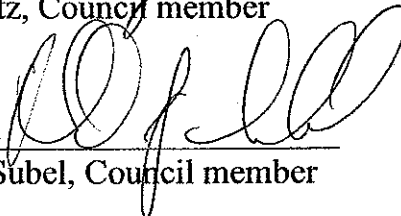
  
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Steven Patton,  
President of Council

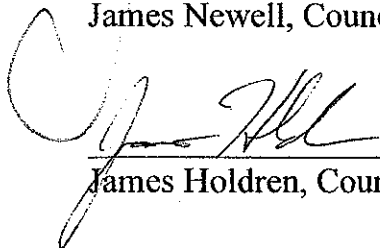
  
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Janis Evans,  
Council President Pro Tem

  
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Michael Chess, Council member

  
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Janna Lutz, Council member

  
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James Newell, Council member

  
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Richard Subel, Council member

  
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James Holdren, Council member

Notice mailed this 23 day of October, 2012.

  
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Clerk of Council